



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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JUN 19 2001

Paper No. 43 44

In re Application of :
Rene Langhans : DECISION ON PETITION
Application No. 08/883,685 :
Filed: June 27, 1997 :
Attorney Docket No. 2821-193 :

This is a decision on the petition filed on May 24, 2001 which requests supervisory review pursuant to 37 CFR 1.181. No fee is required for the petition, and a refund of the \$130.00 tendered with the petition will be scheduled in due course.

The petition is dismissed without prejudice.

Petitioner requests review of the refusal of the examiner to enter an amendment to the specification, and certain amendments to the drawings. A review of the objections by the examiner and of the issues on appeal for resolution by the Board of Patent Appeals and Interferences ("Board") shows that the objections raised by the examiner from which petitioner seeks relief under 37 CFR 1.181 are intricately bound up with the issues for resolution by the Board. Accordingly, these issues will not be addressed until resolution of the appeal. Following the appeal, petitioner may renew the petition and may refer to the Decision by the Board in support of any arguments that the examiner's objections are improper.

This application is being remanded to the Supervisory Patent Examiner of Art Unit 3724 to consider the propriety of, and the appropriate disposition of, paper Nos. 40-42, in view of the fact that paper No. 39 is an Examiner's Answer. The record should be clarified to explain why a supplemental appeal brief was entered into the record after an Examiner's Answer was mailed, and whether it was proper to mail the Examiner's Answer prior to receiving a reply to the Notice of Defective Appeal Brief, paper No. 36. In addition, the Supervisor should request that the Head Supervisory Applications Examiner endorse the Request for Oral Hearing filed on May 24, 2001 into the record, and further request that the Head Supervisory Applications Examiner refund the \$130.00 petition fee to deposit account No. 13-0235.

PETITION DISMISSED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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